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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,287	02/15/2002	Dean M. Rivera	KSCH.006A	3445

20995 7590 10/30/2003

KNOBBE MARTENS OLSON & BEAR LLP  
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IRVINE, CA 92614

EXAMINER
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SZUMNY, JONATHON A

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 10/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

8x

**Office Action Summary**

Application No.

10/078,287

Applicant(s)

RIVERA ET AL.

Examiner

Jon A Szumny

Art Unit

3632

-- **Th MAILING DATE** of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 7-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

This is the third office action for application number 10/078,287, Folding Speaker Bracket, filed on February 15, 2002.

Finality of the previous office action has been withdrawn.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 1,883,508 to Bonday.

Bonday '508 discloses a bracket (figure 2) located only on the backside (depending upon a user's reference point) of a mounting surface having front and back opposite sides (figure 1) comprising a first half (7, left side) including a first mount half (left side of central opening) and a first support (9, top), a second half (7, right side) including a second mount half (right side of central opening) and a second support (9, top), wherein the first half is rotatably connected to the second half so as to define an axis about which the first and second half may rotate with respect to one another and wherein the first and second halves define an opening; wherein the first half may rotate to and from an unfolded position; wherein the first and second halves constitute a mounting portion that is hinged (at 8) at one or more locations along the approximate midpoint of the bracket.

***Claim Rejections - 35 USC § 103***

Claims 3, 4, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonday '508 in view of U.S. Patent number 1,602,729 to Walters.

Bonday '508 reveals the previous invention failing to specifically teach the bracket to include a spring that biases the rotation of the first and second halves towards the unfolded position. However, Walters '729 teaches a bracket (figure 2) including first and second mount halves (10,11) that may rotate with respect to one another to and from an unfolded position wherein a spring (20) biases the rotation of the halves towards the unfolded position. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a spring with the bracket of Bowser '062 so as to bias the rotation of the halves toward the unfolded position (normal operating position as shown in figures 2 and 4) so as to provide for a more sturdy invention by ensuring the bracket is flat against the backside of the surface.

***Response to Arguments***

Applicant's arguments filed September 29, 2003 have been fully considered but they are not persuasive.

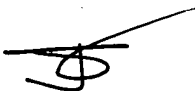
Applicant's arguments with respect to claims 1-4 and 7-10 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

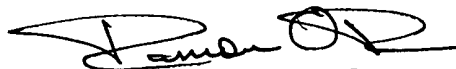
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Jon Szumny  
Patent Examiner  
Technology Center 3600  
Art Unit 3632  
October 22, 2003



RAMON O. RAMIREZ  
PRIMARY EXAMINER  
ART UNIT 3632